

Remarks/Arguments

The present amendment is submitted in an earnest effort to advance this case to issue without delay.

1. Applicant appreciates the withdrawal of the restriction requirement here. For the record it is noted that in applicant's opinion the article claim 25 and the method claim 35 are commensurate in scope as amended and hence the product and process continue to contain unity of invention in a national stage application of the PCT.

2. Claim 25 has been amended to state that the core comprises at least two discrete elongated pultruded core members (2) constituted of a thermoplastic resin containing natural and/or synthetic fibers and extending alongside one another over a full length of the article. The claims also recite a bearing (3) of a highly elastic second material chemically bonded to the discrete core members and bridging between them without the use of an adhesive and allowing small relative longitudinal displacement of the elongated core members. This, of course, allows the movement of the core members damped by the elastic bridge to improve impact absorption. The chemical bonding between the elastic material or bridge and the core member enables the entire unit to be mass produced in a manner which could not be achieved heretofore.

Claim 35 has been amended to be comparable in scope so that whatever is said as to claim 25 applies to the method claim as well. The dependent claims have been conformed to reflect the limitations added to the independent claims.

3. Applicant believes that the Examiner will find, upon reconsideration, that the references applied by the Examiner, even if combined in the way that the Examiner has made the combinations here, would not suggest the presently claimed article or method. That is not to say that applicant agrees that the references are properly combined.

The RUST et al reference in which the Examiner has placed great stock because, in the drawing there are two members which appear to form the core 18, does not actually show or teach a core composed of two discrete elongated pultruded core members which can permit relative longitudinal displacement. Indeed, the reference does not refer to two members at all and rather refers to a split or slot running through the single core member. What is crystal clear is that in RUST et al the two sides of the slot, whatever they are, are not permitted to shift longitudinally relative to one another.

The RUST et al reference has the parts of member 18 anchored together at one end in what appears to be a single base so that a relative longitudinal displacement is not possible and could not contribute to impact absorption or facilitate automated production as two discrete core members would permit.

The Examiner has combined EPEL et al with RUST et al, and lest there be some confusion, it should be noted that member 32 is not one of a pair of core members bridged by member 31 and capable of longitudinal displacement. The concept of two discrete longitudinal elements capable of relative longitudinal displacement is not present in EPEL et al either and thus even if one could combine the structure of RUST et al with that of EPEL et al, the result would not be the claimed invention which permits those small relative longitudinal displacements which contribute to the impact absorption. The combination, therefore, would not be obvious and modification of the combination to permit the relative longitudinal displacement would not have been obvious to one of ordinary skill in the art at the time the invention was made.

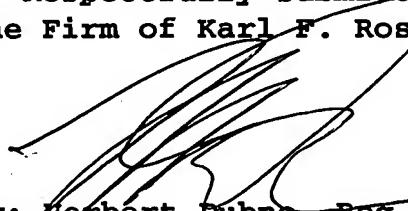
The REMMERT et al reference added to the combination has been cited for the use of thermoplastic polyurethane, but while REMMERT et al does indeed disclose that polyurethane can be used in a composite without an adhesive, it attacks quite different problems in the tool handle art and especially those which have nothing to do with impact absorption by relative displacement of core members. In applicant's opinion, therefore, not only would it not have been obvious to add REMMERT et al to the combination of RUST et al and EPEL et al, but even if that additional reference was added, claim 25 would still define patentably over the combination.

The EDWARDS reference relates to an engineered plastic but contributes nothing which would vitiate applicant's argument that the references do not suggest the present claims.

As to the method claims 35 ff, applicant can see no justification for holding the method to have little patentable weight. Is the Examiner suggesting that there is a reference which has at least two discrete elongated members of pultruded material which are capable of shifting longitudinally relative to one another in this art? That clearly cannot be the case. Hence the limitations in the claims are significant particularly in that they are not met by the applied prior art even in a combination of four references, so that the method claims must be allowable as well.

The claims which remain in the case are thus deemed to be allowable and an early Notice to that effect is earnestly solicited.

Respectfully submitted,
The Firm of Karl F. Ross P.C.

By: 
Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

ef-

February 17, 2006
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099